



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Middleton

Respondent: South Tees Hospitals NHS Foundation Trust

Heard at: Teesside Justice Centre

On: 3 and 4 May 2022

Before: Employment Judge S A Shore
NLM - Mrs C Hunter
NLM – Ms E Wiles

REPRESENTATION:

Claimant: Mr R Middleton, Lay Representative
Respondent: Mr A Sugarman, Counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's complaint under regulation 30(1) of the Working Time Regulations 1998 (WTR), that the respondent refused to permit her to exercise a right she has under regulation 13(10) of the WTR, fails. We find that it was reasonably practicable for the claimant to take leave whilst shielding in the period 4 January 2021 to 31 March 2021.
2. The claimant's claim of failure to make reasonable adjustments contrary to sections 20 and 21 of the Equality Act 2010 (EqA) fails. The respondent did not put the claimant to the substantial disadvantage claimed (being unable to take leave because she was shielding in the period 1 January 2021 to 31 March 2021).
3. The claimant's claim of indirect discrimination because of the protected characteristic of disability contrary to section 19 of the EqA fails. The PCP did not put persons with the claimant's disability at a particular disadvantage compared with persons who did not have the disability that the claimant has.

Employment Judge S A Shore

Date 4 May 2022

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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